

REMARKS

The office action of October 21, 2003, has been carefully considered.

It is noted that claim 9 is rejected under 35 U.S.C. 112, second paragraph.

Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) over JP 56-80364 in view of the patent to Behrends.

In view of the Examiner's rejections of the claims, applicant has canceled claim 7 and amended claims 1 and 9. It is submitted that the amendment to claim 1 does not raise new issues since the amendment only incorporates the subject matter of original dependent claim 7 into claim 1.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 9 so that it depends from claim 1.

In view of these considerations it is respectfully submitted

that the rejection of claim 9 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to JP' 364, it can be seen that this reference discloses a dummy bar in continuous casting equipment.

The patent to Behrends discloses a self-supporting, flexible continuous casting starter bar.

The Examiner combined these references in determining that claims 1 and 3-10 would be unpatentable over such a combination.

Both these references have been discussed at length in prior amendments and those comments are, in applicant's opinion, still applicable and are incorporated herein by reference.

The following additional comments are presented.

The combination of references does not teach a dummy bar having continuous flexible spring steel bands mounted on each row of segments for connecting the segments, wherein each flexible spring steel band is located on an inner side of a curved portion of the dummy bar and on an outer side of the row of segments, as in the presently claimed invention. JP '364 does not teach flexible bands and Behrends teaches a plurality of short spine sections 40. Thus, the combination does not teach continuous flexible spring steel bands. The spine of Behrends is complex and has the disadvantages of high assembly cost and assembly time. Additionally, due to the large number of spines and their associated connection components there are a great many sources for failure or other mechanical problems as compared with a construction having continuous bands, as in the present invention. There is no suggestion or teaching by either of the references of continuous flexible spring steel bands as claimed in the present invention. The Examiner has shown no motivation in either of the references for changing the multi-element spine of Behrends to be continuous flexible spring steel bands as in the presently claimed invention. Furthermore, there is no teaching in the references as to where one skilled in the art would utilize the spines 40 of Behrends in the device of JP '364. To utilize them in the positions of the connection plates would be superfluous in a

sectional strand.

Thus, it is respectfully submitted that the combination of references does not teach the presently claimed invention. Furthermore, there is no teaching in either of the references which would lead on skilled in the art to combine these references and arrive at the presently claimed invention. The combination is missing essential features of the claimed invention, most importantly continuous flexible spring steel bands mounted on each row of segments for connecting the segments. Without some indication for the desirability of a continuous band the references cannot make such a band obvious when all they teach is a multi-part member. To read more into the teachings of these references is only possible by impermissible hindsight reconstruction.

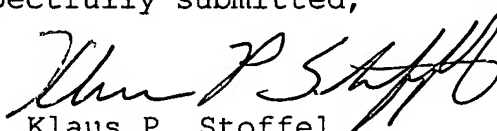
In view of these considerations it is respectfully submitted that the rejection of claims 1 and 3-10 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on February 23, 2004.

By:

  
Klaus P. Stoffel

Date: February 23, 2004